

**OPINION
51-197**

May 22, 1951 (OPINION)

UNIVERSITY

RE: Bond Required When Medical Department at University Uses Cadaver

In your letter of May 8, 1951, addressed to P. O. Sathre, State Supreme Court, and which letter was referred to this office, you request an interpretation of statute 23-0614, NDRC, 1943, which permits the use of human cadavers in medical instruction, together with statute 23-0616, NDRC, 1943, which requires that a bond be given by the medical school to officers surrendering bodies to the school.

You state that it is difficult for the department or officer in charge to furnish an individual bond for each and every case where cadavers are secured. You state also that you feel it is not necessary for one department to furnish a bond to another where bodies are exchanged for this purpose.

Chapter 23-06, NDRC, 1943, provides for the manner in which human cadavers may be had by your department, the manner in which they shall be disposed of after they have served their purpose, and also specifies certain other requirements with respect to next of kin, unlawful disposal, etc.

With reference to section 23-0616, which requires that a bond be given, clearly indicates that the intention of the legislature in passing the section is this: That the physician or surgeon and every medical school, before receiving any dead body, shall give to the officer surrendering the same a sufficient bond conditioned that the body shall be used only for the promotion of anatomical science and medical knowledge within the state and so as not to outrage public feeling, and that after having been so used, the remains thereof shall be disposed of in accordance with the provisions of section 23-0617.

Clearly then, the statute provides for relief to the outraged party by way of action upon the bond of the officer in charge.

The University of North Dakota being one of the institutions of this state, the medical officer in charge of the department here in question can be and should be bonded by the state under the state bonding fund. That bond, being in the sum of \$10,000, is adequate to cover the position and the duties required under this chapter.

It would, therefore, seem unnecessary that a special bond be provided for each individual case of procurement.

It is, therefore, our opinion that such a bond is all that is necessary to enable your department to request and receive cadavers in all cases provided for in chapter 23-06, NDRC, 1943.

ELMO T. CHRISTIANSON

Attorney General